

Thomas V. Dulcich, OSB #802105
tdulcich@schwabe.com
William J. Ohle, OSB #913866
wohle@schwabe.com
SCHWABE, WILLIAMSON & WYATT, P.C.
Pacwest Center
1211 SW 5th Ave., Suite 1900
Portland, OR 97204
Telephone: (503) 222-9981
Fax: (503) 796-2900

Michael G. Davies (Admitted *Pro Hac Vice*)
mdavies@vedderprice.com
Marc B. Schlesinger (Admitted *Pro Hac Vice*)
mschlesinger@vedderprice.com
VEDDER PRICE P.C.
1633 Broadway, 47th Floor
New York, NY 10019
Telephone: (212) 407-7700
Fax: (212) 407-7799

*Attorneys for Defendants Anchorage Advisors, LLC,
Anchorage Capital Group, LLC and
NexGen Aviation Capital, LLC*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ALFRED THOMAS GIULIANO,

Plaintiff,

vs.

ANCHORAGE ADVISORS, LLC;
ANCHORAGE CAPITAL GROUP, LLC;
NEXGEN AVIATION CAPITAL, LLC,

Defendants.

No. 3:11-cv-01416-PK

**DEFENDANTS'
BILL OF COSTS**

On May 13, 2014, the Court entered judgment for Defendants, Anchorage Capital Group, LLC (formerly, known as defendant Anchorage Advisors, LLC) and NexGen Aviation Capital, LLC (collectively, "Defendants"). Pursuant to F.R.Civ.P. 54 and 28 U.S.C. § 1920, Defendants, as the prevailing parties, file their Bill of Costs.

The undersigned attorney for Defendants certifies and declares that the following costs, exclusive of actual attorneys' fees, were incurred in this action on behalf of Defendants. Defendants' costs are in the total amount of \$36,698.77.

1. Deposition Costs

Fees for court reporting services are allowed under 28 U.S.C. § 1920(2). A substantial number of depositions (which were also video recorded by the parties) were necessary for the preparation of the case for summary judgment and possible trial. Portions of all of the depositions (save that of Plaintiff's expert witness expert witness on damages, Samuel Engel) were used on Defendants' motion for summary judgment and Plaintiff's motion for partial summary judgment. These deposition expenses should be recoverable as taxable expenses. The invoices supporting these costs are attached as Exhibit A to the accompanying Declaration of Michael G. Davies dated May 21, 2014 ("Davies Declaration"). The deposition costs Defendants seek to recover are as follows:

<u>WITNESS</u>	<u>DATE(S)</u>	<u>AMOUNT</u>
Donald Lachman	July 30, 2013	Reporter: \$1,515.81 Video: 550.00
Ryan Smith	August 1, 2013	Reporter: \$1,599.05 Video: 650.00
Ryan Smith	October 17, 2013	Reporter: \$1,492.15 Video: 872.00
Aziz Hassanali	August 7, 2013	Reporter: \$1,460.80 Video: 400.00
Aziz Hassanali	October 31, 2013	Reporter: \$1,768.00
Aziz Hassanali	March 13, 2014	Reporter: \$ 222.70

Farhood Azima	August 8, 2013	Reporter: \$1,113.50 Video: 375.00
Anne-Marie Kim	October 31, 2013	Reporter: \$264.00
Magnus Thorstenn	September 24, 2013	Reporter: \$2,038.99 Video: 478.56
Magnus Thorstenn	March 12, 2014	Reporter: \$ 214.20
Paul Sawhny	September 25, 2013	Reporter: \$1,413.69 Video: 302.25
Delford Smith	September 18, 2013	Reporter: \$1,010.50 Video: 506.00
Timothy Wahlberg	September 19, 2013	Reporter: \$1,721.45 Video: 806.00
Glen Joerger	November 4, 2013	Reporter: \$1,721.57
Patrick Halluin	October 16-17, 2013	Reporter: \$2,887.25 Video: 861.00
William McElfresh	October 25, 2013	Reporter: \$1,282.05 Video: 456.25
Brian Maurer	October 23, 2013	Reporter: \$1,255.10 Video: 400.00
Michael Bay	October 18, 2013	Reporter: \$1,102.55 Video: 497.00
Samuel Engel	May 1, 2014	Reporter: \$4,124.60 ¹ Video: 996.75
	TOTAL REPORTER	\$ 27,985.26
	TOTAL VIDEO	\$ 8,373.51
	TOTAL REPORTER AND VIDEO	\$ 36,358.77

2. Filing Fees

Defendants paid \$300.00 in filing fees for the *pro hac vice* applications of Michael Davies, Mark Goldstein and Marc Schlesinger, which fees are deemed taxable costs pursuant to 28 U.S.C. § 1920(1). Documents reflecting the payment of these fees are attached as Exhibit B to the Davies Declaration.

¹ The court reporter costs for Mr. Engel's deposition include a fee for expedited processing in the amount of \$1,145.40. Expedited processing was requested because Defendants expected to make a motion to compel to the Court regarding documents referred to at the deposition that had not been produced. Ultimately, Defendants did not make the motion because Evergreen offered to produce the requested documents and re-produce Mr. Engel for deposition, but that offer was not made until after expedited processing had been ordered.

3. Witness Fees

Defendants paid \$40.00 in witness fees to subpoena Michael Bay for deposition, which fees are deemed taxable costs pursuant to 28 U.S.C. § 1920(3). A copy of the witness fee check is attached as Exhibit C to the Davies Declaration.

Summary of Requested Costs

The costs requested are as follows:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Deposition Costs	\$ 36,358.77
Filing Fees	\$ 300.00
Witness Fees	\$ 40.00
TOTAL	\$ 36,698.77

Defendants respectfully request that the Court award Defendants the costs in the amount of \$36,698.77 reasonably incurred by them in this case.

Dated: May 21, 2014

SCHWABE, WILLIAMSON & WYATT, P.C.

By: /s/ Thomas V. Dulcich
Thomas V. Dulcich, OSB #802105
tdulcich@schwabe.com
William J. Ohle, OSB #913866
wohle@schwabe.com
Telephone: (503) 222-9981
Fax: (503) 796-2900

VEDDER PRICE P.C.

By: /s/ Michael G. Davies
Michael G. Davies (Admitted *Pro Hac Vice*)
mdavies@vedderprice.com
Marc B. Schlesinger (Admitted *Pro Hac Vice*)
mschlesinger@vedderprice.com
1633 Broadway, 47th Floor
New York, New York 10019
Telephone: (212) 407-7700
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Capital, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May, 2014, I caused to be served the foregoing DEFENDANTS' BILL OF COSTS on the following parties at the following addresses:

David A. Bledsoe, OSB #851548
DBledsoe@perkinscoie.com
PERKINS COIE LLP
1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
Telephone: 503.727.2000
Facsimile: 503.727.2222

C. Dana Hobart (*Admitted pro hac vice*)
DHobart@hobartlinzer.com
Joseph N. Akrotirianakis (*Admitted pro hac vice*)
JAkro@hobartlinzer.com
Elisha E. Weiner (*Admitted pro hac vice*)
EWeiner@hobartlinzer.com
HOBART LINZER LLP
777 South Figueroa Street, Suite 4000
Los Angeles, CA 90017
Telephone: 213.225.8900
Facsimile: 213.225.8929

Attorneys for Plaintiff

By ECF.

/s/ William J. Ohle _____
William J. Ohle